(S)

19/12/08

(23)

HIGH COURT OF CHHATTISGARH. BILASPUR

W.P. (S) No.7498 of 2007

PETITIONERS

1. Chhabi Ram Choudhary s/o Shri Sulochan Choudhary, age about 54 years, Assistant Teacher, Govt. Middle School, Keduwan, District Mahasamund(CG)
2. Dhananjay Patel, s/o Shri Chait Ram Patel, age about 52 years, Assistant Teacher, Govt. Middle School, Keduwan, District Mahasamund(CG)
3. Kishore Kumar Sahu, S/o shri Ballabh Sahu, age about 53 years, Assistant Teacher, R/o Kutela Chowk, Jaganipali, District Mahasamund(CG)
4. Rukman Patel S/o Shri Damarudhar Patel, age about 58 years, Asst. Teacher, Govt. Primary School, Saladih, District Mahasamund(CG)
5. Shyamsunder Choudhary s/o Shri Ishwar Choudhary, Age about 55 years, LTD, Govt. Primary 'school, Singhanpur, District Mahasamund(CG)
6. Rukman Prasad Patel s/o Shri Shankar Charan Patel, age about 57 years, Assistant Teacher, Govt. 'Primary School, Pal- Sapali District Mahasamund(CG)
7. Bardas Rajan S/o Shri Butudas Rajan, age about 57 years, LDT, Govt. Primary School, Bhathori, District Mahasamund(CG)
8. Gangadhar Sahu, s/o Shri Madhav Sahu, age about 54 years, Assistant Teacher, Govt. Primary School, Kevntapali, District Mahasamund(CG)
9. Raghuram Patel, s/o Shri Premlal Patel, age about 53 years, Assistant Teacher, govt. Middle School, Lambar District Mahasamund(CG)

Versus

RESPONDENTS

1. State Government of Chhattisgarh, Through Secretary, Tribal & Education Department, D.K.S. Bhawan, Raipur (C.G.)
2. Assistant Commissioner, Tribal Welfare Department, District Mahasamund(CG)
3. District Education Officer, district Mahasamund(CG)

(24)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Ajay Shrivastava, Counsel for the petitioners.
Shri Sumit Verma, Panel Lawyer for the State on advance copy.

ORAL ORDER
(17.12.2007)

SUNIL KUMAR SINHA, J

Heard.

Learned counsel for the petitioners submits that the issue involved in the case is as to whether the petitioners are entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period. He submits that the issue involved herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No.2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. and others), wherein, it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No.6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from the date of initial appointment.

Learned counsel for the petitioners further submits that this Court, while considering the same issue in Ram Kumar Sahu and others Vs. State Govt. of Chhattisgarh and another (W.P.(S) No.813 of 2007) by order dated 12.2.2007, has granted regular pay scale w.e.f. the date of initial appointment.

Learned counsel for the parties jointly submits that this case is squarely covered by the decision of this Court in the case of Ram Kumar Sahu and another (supra).

In view of that, this petition is allowed in the same terms.

However, this order shall be subject to all verifications made by the State regarding facts pleaded in the petition.

Sd/-
Sunil Kumar Sinha
Judge

Sunita